



DAE

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Terry Covert

Application No. 09/003,918

Filed: July 12, 2001

Attorney Docket No. COVERT001

Title: METHOD, APPARATUS AND SYSTEM FOR PRICING AND SELLING  
FAMILY PROTECTOR INSURANCE

Mailed with certificate of mailing on July 6, 2004

**RENEWED PETITION UNDER 37 CFR 1.137(a)**

**RECEIVED**

Commissioner for Patents

Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450

P.O. Box 1450

Alexandria, VA 22313-1450

**OFFICE OF PETITIONS**

Dear Sir:

In response to the DECISION DISMISSING PETITION mailed by the Office of Petitions on May 10, 2004, please accept this RENEWED PETITION UNDER 37 CFR 1.137(a), and reconsider this matter. In support of the renewed petition please consider the following additional information.

1. On August 30, 2001, the Office mailed a NOTICE TO FILE CORRECTED APPLICATION PAPERS. A shortened two-month period for reply was set.
2. On October 18, 2001, a PRELIMINARY AMENDMENT was filed which directly responded to the NOTICE TO FILE CORRECTED APPLICATION

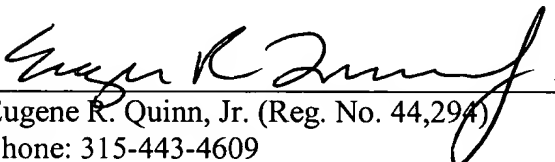
PAPERS. This PRELIMINARY AMENDMENT was mailed by Attorney Eugene R. Quinn, Jr. on October 18, 2001, together with a certificate of mailing pursuant to 37 CFR 1.8. The certificate of mailing, which was signed by Attorney Quinn, can be found at the bottom of the TRANSMITTAL FORM used as a cover page for the PRELIMINARY AMENDMENT.

3. On January 30, 2004, the Office mailed a courtesy Notice of Abandonment.
4. As recognized in the DECISION DISMISSING PETITION (dated May 10, 2004), the instant petition was filed within a few months of the mailing of the abovementioned courtesy Notice of Abandonment.
5. Although the instant petition was originally filed more than two years after the Office abandoned the application, the petition was filed promptly and in compliance with the requirements of Title 37 of the Code of Federal Regulations.
6. The application should not have been abandoned because the PRELIMINARY AMDENDMENT filed on October 18, 2001, was timely and fully responsive.
7. It is believed that the anthrax scare during the Fall 2001 may have contributed to the Office having no record of the PRELIMINARY AMENDMENT.
8. Neither the applicant nor Attorney Quinn believed there to be anything out of the ordinary in not receiving an Office Action. It is well known in the industry that with business method applications the Office takes over three (3) years to issue a First Office Action. Therefore, it did not seem out of the ordinary that a First Office Action had not been issued. Therefore, the two-

plus year delay in filing the instant petition did not evidence any intention on the part of the applicant to abandon the application. Furthermore, the two-plus year delay was not unreasonable. To the contrary, given the backlog of business method applications even a two-plus year delay should be considered prompt because there was no reason for the applicant to question whether the application was still pending, particularly where the applicant had timely and completely responded to the NOTICE TO FILE CORRECTED APPLICATION PAPERS.

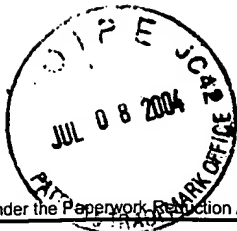
WHEREFORE, the applicant respectfully requests that the Office reconsider the DECISION DISMISSING PETITION dated May 10, 2004.

Respectfully submitted by:

  
Eugene R. Quinn, Jr. (Reg. No. 44,294)  
Phone: 315-443-4609

DATE:

7/6/04



PTO/SB/92 (08-03)

Approved for use through 07/31/2006. OMB 0561-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**RECEIVED**

**Certificate of Mailing under 37 CFR 1.8 JUL 12 2004**

**OFFICE OF PETITIONS**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: NANCY JOHNSON

on 07/06/04  
Date

Signature

EUGENE R. QUINN, JR.

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.